

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IMG WORLDWIDE, INC.)	CASE NO. 1:10-cv-794
)	
Plaintiff)	JUDGE O'MALLEY
)	
vs.)	<u>PLAINTIFF IMG WORLDWIDE,</u>
)	<u>INC.'S MOTION FOR LEAVE</u>
MATTHEW BALDWIN)	<u>TO FILE SURREPLY INSTANTER</u>
)	
Defendant)	

Plaintiff IMG Worldwide, Inc. ("IMG") respectfully seeks leave to file *instanter* the accompanying *IMG Worldwide, Inc.'s Sur-Reply to Defendant's Brief in Further Support of His Motion to Dismiss or Transfer the Amended Complaint*. Defendant's 25-page Brief in Further Support of His Motion to Dismiss or Transfer (the "Reply") submits two new declarations and numerous document exhibits that were not previously submitted. These submissions characterize certain facts – particularly facts related to the manner in which Defendant Matthew Baldwin took electronic documents from IMG and the current status of the proceedings between the parties in the U.S. District Court for the Central District of California – in a manner that is either misleading or argumentative to the point of inviting confusion. IMG offers the sur-reply to address any confusion caused by the Reply's characterization of the fact record and to assist the Court in a full hearing of the issues implicated by Defendant's motion. In order to respond to the various points raised for the first time in Defendant's Reply and the attendant submissions, it is necessary for IMG to submit its brief sur-reply. IMG believes that

the sur-reply will be helpful to a determination of the numerous issues raised by the pending briefing.

Respectfully submitted,

/s/ John M. Alten

Joseph A. Castrodale (0018494)

John M. Alten (0071580)

Brad A. Sobolewski (0072835)

ULMER & BERNE LLP

Skylight Office Tower

1660 West 2nd Street, Suite 1100

Cleveland, OH 44113

Tel: (216) 583-7000

Fax: (216) 583-7001

jcastrodale@ulmer.com

jalten@ulmer.com

bsobolewski@ulmer.com

Attorneys for Plaintiff

OF COUNSEL:

Mark C. Holscher

Jeffrey S. Sinek

KIRKLAND & ELLIS LLP

333 South Hope Street

Los Angeles, CA 90071

Tel: (213) 680-8190

Fax: (213) 680-8500

mark.holscher@kirkland.com

jeff.sinek@kirkland.com

CERTIFICATE OF SERVICE

A copy of the foregoing was filed electronically with the Court on August 5, 2010. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court system.

/s/ John M. Alten
One of the Attorneys for Plaintiff
IMG Worldwide, Inc.